

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

ERIC GILMORE ET AL.	§	
	§	
v.	§	CIVIL ACTION NO. 4:23-CV-704-SDJ
	§	
770 IMPORTS INC. ET AL.	§	

NOTICE OF IMPENDING DISMISSAL

The Complaint was filed in this case on August 7, 2023. It appears from the records currently before the Court that Defendants 770 Imports Inc.; Cotton Valley LLC d/b/a Uni Cot.; Floatie Kings; Imagination Overdrive, Inc.; and Spika Products International LTD. have not yet been served. Moreover, the Court's records indicate that more than 60 days have passed from the filing of the Complaint. Therefore, this notice serves to inform Plaintiff that this action shall be dismissed without prejudice as to the listed Defendants after 90 days, in accordance with Federal Rule of Civil Procedure 4(m), as amended effective December 1, 2015.


To avoid dismissal as to the listed Defendants pursuant to Rule 4(m), if more than 90 days are necessary for service of process, Plaintiff must execute a verified petition regarding service of process, advising the Court:

- A. That the case should not be dismissed as to the unserved Defendants;
- B. That the failure to obtain service upon Defendants is not due to the fault of the Party seeking to avoid dismissal;

- C. The reasons why the case against the unserved Defendants should not be dismissed, set forth in detail and demonstrating good cause; and
- D. That service will be effected on Defendants within thirty (30) days of the date of the petition.

This petition must be filed with the Court on or before **November 6, 2023**. If the Court is satisfied that the case should not be dismissed as to the unserved Defendants, Plaintiff will be so notified. If dismissal of the case as to the unserved Defendants is satisfactory to the Plaintiff, no action is required. By executing the petition regarding service of process, Plaintiff need not appear in support thereof until and/or unless so notified by the Court. Failure to respond will result in dismissal as to the unserved Defendants for failure to prosecute.

So ORDERED and SIGNED this 16th day of October, 2023.


SEAN D. JORDAN
UNITED STATES DISTRICT JUDGE